

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 867 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

GANGABEN WD/O JUGAJI SOMAJI

Versus

STATE OF GUJARAT

Appearance:

MR YN OZA for Petitioners

MR VM PANCHOLI, AGP, for Respondent No. 1

MR BN PATEL for Respondent No. 3

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 07/07/1999

ORAL JUDGEMENT

1 The petitioner has challenged the order passed by the competent authority under section 34 of the Urban Land (Ceiling & Regulation) Act, 1976. According to Mr Pancholi, learned AGP for the respondents nos.1 and 2, the authorities have not taken possession of the land in

question from the petitioner which fact is not in dispute. The statement is made on the basis of the instructions received from Mr M.R. Kothari, Deputy Collector (ULC), Ahmedabad (Unit 3+9 Sr.No.68).

2 The Urban Land (Ceiling & Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling & Regulation) Repeal Act, 1999, as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March 1999, passed under Article 252(2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling & Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

3 The petition is accordingly disposed of as having abated. There shall be no order as to costs.

(M S SHAH, J.)
(mohd)